

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII

CHAPTER 2011

RENTAL HOUSING SYSTEM

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SUBCHAPTER 1

§17-2011-1 Purpose and applicability. These rules are adopted pursuant to chapters 91 and 92, HRS, and implement the objectives of chapters 39 and 201G, HRS, as to rental housing developments within the rental housing system, as defined herein, which are owned and developed by the corporation for the following purposes:

- 2011-2

§17-2011-2 Definitions. Notwithstanding any other rule herein, when used in this subchapter:

"Board" means the board of directors of the housing and community development corporation of Hawaii.

"Contract" means any agreement of the corporation with an obligee or a trustee for such obligee whether contained in a resolution, trust, indenture, mortgage, lease, bond, or other instrument.

"Corporation" means the housing and community development corporation of Hawaii created under chapter 201G, HRS.

"Executive director" means the executive director employed by the corporation or the executive director's designated representative.

"Family" means:

- (1) Two or more persons who live or intend to live together as a unit and whose income and resources are available to meet the family's need and who may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated; or
- (2) A person who is pregnant or in the process of securing legal custody of a minor child or children, and who has reached the age of majority or is otherwise emancipated.

"Government" includes the State of Hawaii and the United States of America and any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise.

"Qualified applicant" means a qualified resident who has applied with the corporation for the rental housing development and who:

- (1) Demonstrates an ability to pay rent as determined by the corporation; and



development, the corporation shall establish criteria for the rental housing development, including but not limited to the:

- (1) Priority and selection of applicants for the development;
- (2) Occupancy of the rental units in the development;
- (3) Selection of the management of the development; and
- (4) Rental administration of the development.  
[Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-5 Program administration. Except as otherwise provided by law or rule, the rental housing system under this chapter shall be administered in accordance with chapter 521, HRS, the "residential landlord-tenant code".  
[Eff ] (Auth: HRS §201G-4) (Imp: HRS §201G-113)

## SUBCHAPTER 2

### ELIGIBILITY AND ADMISSION OF TENANTS

§17-2011-20 Notification of eligibility.

(a) An applicant shall be notified in writing by the corporation as to the applicant's qualification and eligibility.

(b) If there are no rental units available, the applicant shall be placed on a waiting list for an available rental unit.

[Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§30-53, 201G-4, 201G-9)

## SUBCHAPTER 3

### OCCUPANCY AND RENTAL AGREEMENT

§17-2011-30 Occupancy guidelines. (a) The following occupancy guidelines may be used for rental housing units when the number of applicants exceeds the number and types of units available:

Dwelling Unit Size	Preferred Family Size
0 Bedroom	1 person
1 Bedroom	2 persons
2 Bedroom	3 persons
3 Bedroom	4 persons
4 Bedroom	5 persons

(b) The maximum family size is based on prevailing county housing, zoning, building, health and fire codes. [Eff ]  
(Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-31 Rental agreement. (a) A qualified and eligible applicant shall enter into a rental agreement with the corporation which shall provide all the terms and conditions of occupancy for the tenancy, including but not limited to, use, mutual obligations and covenants, and rental readjustment.

(b) No tenant shall be permitted to remain in a rental housing project without a valid rental agreement. [Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 39-59, 201G-9)

§17-2011-32 Verification of information. An applicant or tenant shall provide documentation to verify information upon request of the staff. [Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-33 Misrepresentation. A qualified applicant or tenant may be denied admission or continued occupancy in a rental housing development, or a tenant's rental agreement may be terminated if the qualified applicant or tenant has submitted false information, withheld information, or made wilful misstatements in order to qualify for admission into the rental housing development. [Eff ] (Auth: HRS §§39-53, 201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

§17-2011-34 Security deposit. A tenant shall submit a security deposit which shall be not less than one month of the applicable rent along with the completed rental agreement prior to occupancy of the rental unit. [Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-53, 201G-9)

#### SUBCHAPTER 4

#### MANAGEMENT OF RENTAL HOUSING PROJECTS

§17-2011-40 Management by private firms. Rental housing projects may be managed by private firms duly organized and qualified as a property manager under applicable state laws. The corporation may solicit proposals from private management firms for the management of a rental housing project and shall select the best qualified firm, based upon the experience of the firm, experience of the personnel who will be directly involved in the management of the rental housing development, the management plan submitted, and the management fee. [Eff ] (Auth: HRS §§201G-4, 201G-113) (Imp: HRS §§39-

53, 201G-4)



DEPARTMENT OF HUMAN SERVICES

The repeal of chapter 15-173 and the adoption of chapter 17-2011, Hawaii Administrative Rules, on the Summary Page dated \_\_\_\_\_, was adopted on \_\_\_\_\_, following public hearings held on \_\_\_\_\_, after public notice was given in the Honolulu Star-Bulletin, The Garden Island, The Maui News, West Hawaii Today, and the Hawaii Herald-Tribune newspapers on \_\_\_\_\_.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.

\_\_\_\_\_  
CHARLES A. STED, Chairperson  
Housing and Community  
Development Corporation  
of Hawaii

\_\_\_\_\_  
THEODORE E. LIU  
Director of Business,  
Economic Development and  
Tourism

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General

\_\_\_\_\_  
LINDA LINGLE  
Governor  
State of Hawaii  
Date: \_\_\_\_\_

\_\_\_\_\_  
Filed

DEPARTMENT OF HUMAN SERVICES

Repeal of Chapter 15-173 and  
Adoption of Chapter 17-2011  
Hawaii Administrative Rules

\_\_\_\_\_, 2004

1. Chapter 173 of Title 15, Hawaii  
Administrative Rules, is repealed.

2. Chapter 2011 of Title 17, Hawaii  
Administrative Rules, entitled "Rental Housing System"  
is adopted to read as follows: